

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

DWAYNE EICHLER,

Plaintiff,

No. 2:04-cv-1108 GEB JFM (PC)

vs.

CDC OFFICER SHERBIN, et al.,

Defendants.

ORDER

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Plaintiff is a state prisoner proceeding through counsel with a civil rights action pursuant to 42 U.S.C. §1983. Several matters are pending before the court.

By order filed March 25, 2011, counsel for plaintiff was directed to inform the court within thirty days whether he intends to rest on the pro se opposition to defendant Lebeck and Sherbin's motion for summary judgment or whether he intends to file a further opposition to said motion. In the same order, all parties to that motion were granted thirty days in which to request oral argument on said motion. On April 14, 2011, counsel for defendants Lebeck and Sherbin filed a request for oral argument on the motion. On April 22, 2011, counsel for plaintiff filed notice of intent to file a further opposition and proposed a deadline of May 27, 2011 for the filing of said opposition. Good cause appearing, the court will, by this order, set a final briefing schedule for defendant Lebeck and Sherbin's motion for summary judgment. Defendants'

1 motion for oral argument on the motion will be granted and the court will set a date for oral  
2 argument.

3 In the March 25, 2011 order, counsel for plaintiff and counsel for Mercy Hospital  
4 were directed to confer and submit to the court a proposed briefing schedule for Mercy  
5 Hospital's motion for summary judgment, and to indicate therein whether either or both request  
6 oral argument on said motion. On April 21, 2011, the parties filed a proposed briefing schedule.  
7 That proposed schedule will be adopted as an order of this court.

8 On April 25, 2011, plaintiff filed pro se a motion for extension of time to file an  
9 opposition to defendant Mercy Hospital's motion for summary judgment, together with a cross-  
10 motion for summary judgment and other related documents. Plaintiff is represented by counsel  
11 and all documents filed in this action on behalf of plaintiff must be filed by his attorney.  
12 Plaintiff's pro se motions will be denied.

13 In accordance with the foregoing, IT IS HEREBY ORDERED that:

14 1. Plaintiff is granted until May 27, 2011 to file and serve a further opposition to  
15 defendant Lebeck and Sherbin's motion for summary judgment, said opposition to be filed by  
16 counsel for plaintiff;

17 2. Defendants Lebeck and Sherbin's reply brief, if any, shall be filed and served  
18 on or before June 3, 2011;

19 3. Defendants Lebeck and Sherbin's April 14, 2011 motion for oral argument is  
20 granted;

21 4. The motion of defendants Lebeck and Sherbin for summary judgment is set for  
22 oral argument on this court's regular law and motion calendar on June 9, 2011 at 11:00 a.m.;

23 5. Plaintiff's opposition to defendant Mercy Hospital's motion for summary  
24 judgment shall be filed and served on or before May 20, 2011;

25 6. Mercy Hospital's reply brief shall be filed and served on or before May 27,  
26 2011;

1 7. Plaintiff's April 25, 2011 motion for extension of time is denied; and

2 8. Plaintiff's April 25, 2011 cross-motion for summary judgment and request for  
3 extension of time is denied.

4 DATED: April 29, 2011.

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7 UNITED STATES MAGISTRATE JUDGE

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